

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

Victor Julian Turner aka Mikailah Kay  
Sweetgrass-Turner,

Plaintiff,

v.

Tori Ralkey et al.,

Defendants.

CASE NO. 3:20-cv-05472-BHS-DWC

ORDER

Plaintiff Victor Julian Turner aka Mikailah Kay Sweetgrass-Turner, proceeding *pro se* and *in forma pauperis*, filed this civil rights Complaint pursuant to 42 U.S.C. § 1983. Presently pending before the Court is Plaintiff's Motion to Amend (Dkt. 7), which the Court grants as a matter of course.

**A. Background**

On May 19, 2020, Plaintiff initiated this lawsuit by filing a Motion to Proceed *In Forma Pauperis* ("IFP") and the Complaint. *See* Dkts. 1, 5, 6, 7. The Court granted the Motion to Proceed IFP on June 16, 2020. Dkt. 6. The same day, Plaintiff filed a Motion to Amend. Dkt. 7.

**B. Motion to Amend (Dkt. 7)**

Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure,

A party may amend its pleading once as a matter of course within:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Plaintiff filed his Motion to Amend (Dkt. 7) prior to service and prior to the filing of a responsive pleading. *See* Dkt. Therefore, Plaintiff has the right to file an amended complaint as a matter of course. “When the plaintiff has the right to file an amended complaint as a matter of course, [ ] the plain language of Rule 15(a) shows that the court lacks the discretion to reject the amended complaint based on its alleged futility.” *Thomas v. Home Depot U.S.A., Inc.*, 2007 WL 2140917, \* 2 (N.D. Cal. July 25, 2007) (quoting *Williams v. Board of Regents of University System of Georgia*, 477 F.3d 1282, 1292 n. 6 (11th Cir. 2007)). Accordingly, Plaintiff’s Motion to Amend (Dkt. 7) is granted. The Clerk is directed to docket the proposed amended complaint (Dkt. 7-1) as the amended complaint.

Dated this 17th day of June, 2020.



David W. Christel  
United States Magistrate Judge